SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT</u>.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

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No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

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| Application Number | Filing Date | Status |
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| 08/311,964 | September 26, 1994 | Allowed |
| 08/457,317 | June 1, 1995 | Pending |
| 08/457,295 | June 1, 1995 | Pending |
| 08/650,408 | May 20, 1996 | Pending |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| Anglin, J. Michael | Reg. No. 24,916 | Embretson, Janet E. | Reg. No. 39,665 | Lempia, Bryan J. | Reg. No. 39,746 |
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| Bianchi, Timothy E. | Reg. No. 39,610 | Fogg, David N. | Reg. No. 35,138 | Litman, Mark A. | Reg. No. 26,390 |
| Billig, Patrick G. | Reg. No. 38,080 | Forrest, Bradley A | Reg. No. 30,837 | Lundberg, Steven W. | Reg. No. 30,568 |
| Billion, Richard E. | Reg. No. 32,836 | Holloway, Sheryl S. | Reg. No. 37,850 | Schwegman, Micheal L. | Reg. No. 25,816 |
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Page 2 of 10

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Date:

X Additional inventors are being named on separately numbered sheets, attached hereto.

Harold A. Roberts

Signature:

Clar Ref. 500.623151 Serial No. 00:673.002 Filing Date June 28, 1446

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| | Heng Lou | | |
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| graph of the state | Bloomington, MN 55435 | | |
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| Post Office Address: | 3705 Roxbury Lane | · | |
| | Plano, TX 75025 | | |
| Signature: | | Date: | |
| | Adam Opoczynski | | |
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| Signature: | Niranjan R. Samant | | |
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| Full Name of joint inver Citizenship: Post Office Address: | ntor number 29: Scott Sarnikowski United States of America 13235 57th Avenue North Plymouth, MN 55442 | Residence: Plymouth, MN | |
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| Signature: | Scott Sarnikowski | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | · · | Residence: | |
| Signature: | | Date: | |

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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

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| | tor number 16: Thomas C. Tucker United States of America 205 Silver Creek Trail Chapel Hill NC 27514 | Residence: Chapel Hill, NC |
| Signature: | Mom C. Tucker | Date: |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inve | entor number 17: Joe Hall | | |
|--|-----------------------------------|--|---------------|
| Citizenship: | United States of America | Residence: Bloomington, MN | |
| Post Office Address: | 4900 West 78th Street | | |
| | Bloomington, MN 55435 | | |
| Signature: | | Date: | |
| | Joe Hall | | |
| | ntor number 18: John M. Logajan | | . |
| Citizenship: | United States of America | Residence: Arden Hills, MN | |
| Post Office Address: | 4248 Hamline Avenue | | , |
| ## 075 ## 107 10 \$00 | Arden Hills, MN 55112 | | |
| Signature: | | Date: | |
| | John M. Logajan | Dat. | |
| ## 100 · · · · · · · · · · · · · · · · · · | | | |
| \$ 501.25g | | | _ |
| | ntor number 19: Somvay Bousiousng | | |
| Citizenship: | United States of America | Residence: Bloomington, MN | |
| Post Office Address: | 4900 West 78th Street | | |
| | Bloomington, MN 55435 | | |
| Signature: | | Date: | |
| * | Somvay Boualouang | LARC. | |
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| 1 | | ~_ · · · · · · · · · · · · · · · · · · · | _ |
| | ntor number 20: Heng Lon | | |
| Citizenship: | United States of America | Residence: Bloomington, MN | • |
| Post Office Address: | 4900 West 78th Street | | |
| | Bloomington, MN 55435 | | |
| Signature: | | Date: | |
| | Heng Lou | | |
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| Citizenship: Post Office Address: | United States of America 16303 205th Avenue NW Elk River, MN 55330 | Residence: Elk River, MN | |
|--|--|-----------------------------|--|
| Signature: | Mark D. Eipers | Date: | |
| | mark D. Espers | | |
| Full Name of joint invent | tor number 22 : Matt Downs | | |
| Citizenship: | United States of America | Residence: Bloomington, MN | |
| Post Office Address: | 4900 West 78th Street | | |
| The state of the s | Bloomington, MN 55435 | | |
| ## 355 ## | | <u>_</u> | |
| Signature: | 36 | Date: | |
| ## (P)- | Matt Downs | | |
| Star Con Star Con Star Star Con Star Con Star Con Star Con Star Con Star Con Star Con Star Con Star Star Con Star Star Con Star Star Star Con Star Star Con Star Star Star Con Star Star Star Star Star Star Star Star | | | |
| fill Name of inite increas | or number 23 : Tammy Ferris | | |
| <u>Citizenship:</u> | United States of America | Residence: Bloomington, MN | |
| Post Office Address: | 4900 West 78th Street | Residence: bloomington, MIA | |
| gen die | Bloomington, MN 55435 | | |
| S S S S S S S S S S S S S S S S S S S | | | |
| Signature: | | Date: | |
| general Security 6 | Tammy Ferris | | |
| Tea of 2 | • | | |
| 7 P. C. | | | |
| Full Name of joint invent | or number 24: Adam Opoczynski | | |
| Citizenship: | United States of America | Residence: Plano, TX | |
| Post Office Address: | 3705 Roxbury Lane | | |
| | Plano, TX 75025 | | |
| Signature: | | Date: | |
| | Adam Opoczynski | | |
| | • • | | |
| , | | | |
| X Additional inventors an | e being named on separately numbered she | ets, attached hereto. | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inver Citizenship: Post Office Address: | ntor number 25: <u>David S. Russell</u> United States of America 5145 Luverne Avenue Minneapolis, MN 55419 | Residence: Minneapolis, MN | |
|--|---|----------------------------|--|
| Signature: | David S. Russell | Date: | |
| | 26116 5. 112341. | | |
| Citizenship: Post Office Address: | ntor number 26: <u>Calvin G. Nelson</u> United States of America 26190 Birch Bluff Road Shorewood, MN 55331 | Residence: Shorewood, MN | |
| Signature: | | Date: | |
| | Calvin G. Nelson | · | |
| Citizenship: Post Office Address: | ntor number 27: Niranjan R. Samant United States of America 229 Ridgefield Drive Middletown, CT 06547 | Residence: Middletown, CT | |
| Signature: | | Date: | |
| Total March | Niranjan R. Samant | | |
| Full Name of joint inventional Citizenship: Post Office Address: | ntor number 28: Joseph F. Chiappetta United States of America 6 Ranch Drive Trumbull, CT 06611 | Residence: Trumbull, CT | |
| Signature: | Joseph F. Chiappetta | Date: | |
| | • | | |

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| Seri | al No | . 08 | /673 | .002 | 2 |
| Filir | e D | ne i | une | 28. | 1996 |

Page 9 of 10

| Full Name of joint inver Citizenship: Post Office Address: | tor number 29: <u>Scott Sarnikowski</u> United States of America 13235 57th Avenue North Plymouth, MN 55442 | Residence: Plymouth, MN | |
|--|---|-------------------------|--|
| Signature: | Scott Sarnikowski | Date: | |
| Full Name of inventor: Citizenship: East Office Address: | | Residence: | |
| Signature: | | Date: | |
| Eull Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |

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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT</u>.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, \$1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, \$119/365 of any foreign application(s) for patent of

I hereby claim foreign priority benefits under Title 35, United States Code, \$119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

. In de I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| Application Number | Filing Date | Status |
|--------------------|--------------------|---------|
| 08/311,964 | September 26, 1994 | Allowed |
| 08/457.317 | June 1, 1995 | Pending |
| 08/457,295 | June 1, 1995 | Pending |
| 08/650.408 | May 20, 1996 | Pending |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| Anglin, J. Michael Bianchi, Timothy E. Billig, Patrick G. Billion, Richard E. Brennan, Thomas F. Burke, John E. Clark, Barbara J. Dryia, Michael A. | Reg. No. 24,916 Reg. No. 39,610 Reg. No. 38,080 Reg. No. 32,836 Reg. No. 35,075 Reg. No. 35,836 Reg. No. 38,107 Reg. No. 39,662 | Embretson, Janet E. Fogg, David N. Forrest, Bradley A. Holloway, Sheryl S. Kalinowski, Leonard J. Klima-Silberg, Catherine I. Kluth, Daniel J Lemaire, Charles A. | Reg. No. 39,665 Reg. No. 35,138 Reg. No. 30,837 Reg. No. 37,850 Reg. No. 24,207 Reg. No. 24,207 Reg. No. 32,146 Reg. No. 32,146 | Lempia, Bryan J. Litman, Mark A. Lundberg, Steven W. Schwegman, Micheal L. Slifer, Russell D. Viksnins, Ann S. Woessner, Warren D. | Reg. No. 39,746 Reg. No. 26,390 Reg. No. 30,568 Reg. No. 25,816 Reg. No. 39,838 Reg. No. 37,748 Reg. No. 30,440 |
|--|--|---|--|--|---|
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attomey/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)339-0331

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| Signature: | | Date: | |
| | Mark J. Dapper | | |
| Full Name of joint inver | | | |
| Citizenship: | United States of America | Residence: Loveland, OH | |
| Post Office Address: | 316 Miami Valley Drive | | |
| for all | Loveland, OH 45140 | | |
| | | _ | |
| Signature: | Michael J. Geile | Date: | |
| | Michael J. Gelie | | |
| The side | | | |
| Full Name of joint inven | tor number 3 : Terrance J. Hill | | |
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| <u>.</u> | | | |
| Signature: | | Date: | |
| region to the control of the control | Terrance J. Hill | | |
| 1004 A | | | |
| Full Name of joint inven | tor number 4: Harold A. Roberts | | |
| Citizenship: | United States of America | Residence: Eden Prairie, MN | |
| Post Office Address: | 7017 Beacon Circle | resolute. Lista a rail fo, 11111 | |
| | Eden Prairie, MN 55346 | | |
| Signature: | | Date: | |
| | Harold A. Roberts | - · · · · · · · · · · · · · · · · · · · | |
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| | | | |
| X Additional inventors a | re being named on separately numbered she | ets, attached hereto. | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint invention Citizenship: Post Office Address: | tor number 5: Brian D. Anderson United States of America 11430 - 50th Place North Plymouth, MN 55442 | Residence: Plymouth, MN | |
|--|--|-----------------------------|---------------------------------------|
| Signature: | Brian D. Anderson | Date: | · · · · · · · · · · · · · · · · · · · |
| Full Name of joint inven Catizenship: Post Office Address: | tor number 6: <u>Jeffrey Brede</u> United States of America 8073 Curtis Lane Eden Prairie, MN 55347 | Residence: Edea Prairie, MN | |
| Signature: | Jeffrey Brede | Date: | · · · · · · · · · · · · · · · · · · · |
| Full Name of joint invention Citizenship: Post Office Address: | tor number 7: Mark S. Wadman United States of America 8956 Braxton Drive Eden Prairie, MN 55347 | Residence: Eden Prairie, MN | |
| Signature: | Mark S. Wadman | Date: | |
| Full Name of joint inver Citizenship: Post Office Address: | ntor number 8: Robert J. Kirscht United States of America 13106 Vernon Avenue South Savage, MN 55378 | Residence: Savage, MN | |
| Signature: | · , | Date: | |

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| belief are believed to be to made are punishable by fi | ner and further that these statements were I | knowledge are true and that all statements made with the knowledge that willful false state 1001 of Title 18 of the United States Code and it issued thereon. | ments and the like so |
|---|---|---|-----------------------|
| Full Name of joint inventor Citizenship: Post Office Address: | United States of America 1894 Sunrise Court Eagan, MN 55122 | Residence: Eagna, MN | |
| Signature: | James J. Herrmann | Date: | |
| Full Name of joint invento Citizenship: Post Office Address: | or number 10: Michael J. Fort United States of America 1045 Northview Park Eagan, MN 55123 | Residence: Eagan, MN | |
| Signature: | Michael J. Fort | Date: | |
| | or number 11: Steven P. Buska United States of America 13370 Stanton Drive Minnetonka, MN 55305 | Residence: Minnetonka, MN | |
| Signature: | Steven P. Buska | Date: | 77-545 |
| • | or number 12 : <u>Jeff Solum</u> United States of America | Residence: Bloomington, MN | • |

Date:

X Additional inventors are being named on separately numbered sheets, attached hereto.

Jeff Solum

4900 West 78th Street Bloomington, MN 55435

Our Ref. 500.623US1

Post Office Address:

Signature:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inventional Citizenship: Post Office Address: | tor number 13: <u>Debra Lea Enfield</u> United States of America 464 Ridge Court Chaska, MN 55318 | Residence: Chaska, MN | |
|--|--|----------------------------|--|
| Signature: | | Date: | |
| | Debra Lea Enfield | | |
| Full Name of joint inven Citizenship: Post Office Address: | tor number 14: <u>Darrell Berg</u> United States of America 4900 West 78th Street | Residence: Bloomington, MN | |
| The second secon | Bloomington, MN 55435 | | |
| Signature: | Darrell Berg | Date: | |
| Citizenship: Post Office Address: | tor number 15: Thomas Smigelski United States of America 230 Waterford Drive Lake Zurich, IL 60047 | Residence: Lake Zurich, IL | |
| is Signature: | | Date: | |
| 200 | Thomas Smigelski | | |
| | tor number 16: Thomas C. Tucker United States of America 205 Silver Creek Trail Chapel Hill, NC 27514 | Residence: Chapel Hill, NC | |
| Signature: | The control of the co | Date: | |
| Signature: | Thomas C. Tucker | Date: | |

| Our R | ef. 500.623US1 | |
|--------|---------------------|---|
| Serial | No. 08/673,002 | |
| Filing | Date: June 28, 1990 | 5 |

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 17: Loe Hall Residence: Bloomington, MN United States of America Citizenship: 4900 West 78th Street Post Office Address: Bloomington, MN 55435 Date: Signature: Joe Hall Full Name of joint inventor number 18: John M. Logaian Residence: Arden Hills, MN United States of America Citizenship: Post Office Address: 4248 Hamline Avenue Arden Hills, MN 55112 Date: Signature: John M. Logajan 11 Lik Full Name of joint inventor number 19: Somvay Boualouang Residence: Bloomington, MN Citizenship: United States of America 4900 West 78th Street Post Office Address: Bloomington, MN 55435 į. Date: Signature: Somvay Boualouang **.**...

Residence: Bloomington, MN

Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

X Additional inventors are being named on separately numbered sheets, attached hereto.

United States of America

4900 West 78th Street Bloomington, MN 55435

Full Name of joint inventor number 20: Heng Lou

Heng Lou

Citizenship:
Post Office Address:

Signature:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inven Citizenship: Post Office Address: | tor number 21: Mark D. Elpers United States of America 16303 205th Avenue NW Elk River, MN 55330 | Residence: Elk River, MN | |
|--|--|----------------------------|---|
| Signature: | Mark D. Elpers | Dete: | _ |
| Full Name of joint inven Citizenship: Post Office Address: | tor number 22: Matt Downs United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
| Signature: M | Matt Downs | Date: <u>1-21-97</u> | *************************************** |
| Full Name of joint inven Citizenship: Post Office Address: | tor number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
| Signature: | Tammy Ferris | Date: | |
| Full Name of joint inven Citizenship: Post Office Address: | tor number 24: Adam Opoczynski United States of America 3705 Roxbury Lane Plano, TX 75025 | Residence: Plano, TX | |
| Signature: | Adam Opoczynski | Date: | |
| - | | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like 50 made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inventor | number 21: Multi D. Elbert | |
|---|--|--|
| Citizenship: | United States of America | Residence: Elk River, MN |
| Post Office Address: | 16303 205th Avenue NW | |
| | Elk River, MN 55330 | |
| | 11/2 | 1/21/97 |
| Signature: | | Date: |
| | Mark D. Elpers | |
| Full Name of joint inventor | number 22 : Matt Downs | |
| Citizenship: | United States of America | Residence: Bloomington, MN |
| Post Office Address: | 4900 West 78th Street | The state of the s |
| 500 500 500 | Bloomington, MN 55435 | |
| 3 | | |
| Signature: | | Date: |
| | Matt Downs | • |
| | MIET DOMIN | |
| | Med DOWIS | |
| ull Name of joint inventor | number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN |
| Full Name of joint inventor Citizenship: Post Office Address: | number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 | 1-21-07 |
| Full Name of joint inventor Citizenship: Cost Office Address: Gignature: | number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN Date: 1-21-97 |
| ull Name of joint inventor itizenship: ost Office Address: | number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 | 1-21-07 |
| Full Name of joint inventor Citizenship: Post Office Address: | number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 | 1-21-07 |
| Full Name of joint inventor Citizenship: Ost Office Address: Signature: | number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 Tammy Ferris number 24: Adam Opoczynski | Date: 1-21-97 |
| full Name of joint inventor Citizenship: cost Office Address: dignature: | number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 MMY Tammy Ferris number 24: Adam Opoczynski United States of America | 1-21-07 |
| ull Name of joint inventor itizenship: ost Office Address: ignature: | number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 MMY Tammy Ferris number 24: Adam Opoczynski United States of America 3705 Roxbury Lane | Date: 1-21-97 |
| full Name of joint inventor Citizenship: cost Office Address: dignature: | number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 MMY Tammy Ferris number 24: Adam Opoczynski United States of America | Date: 1-21-97 |
| Full Name of joint inventor Citizenship: ost Office Address: Signature: Full Name of joint inventor Citizenship: ost Office Address: | number 23: Tammy Ferris United States of America 4900 West 78th Street Bloomington, MN 55435 MMY Tammy Ferris number 24: Adam Opoczynski United States of America 3705 Roxbury Lane | Date: 1-21-97 |

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Full Name of joint inventor number 25: David S. Russell

Citizenship:

Residence: Minagenetic Minag

| Post Office Address: | United States of America 5145 Luverne Avenue Minneapolis, MN 55419 | Kesidence: Minneapolis, MN | |
|---------------------------------------|---|----------------------------|--|
| Signature: | | Date: | |
| | David S. Russell | | |
| | ntor number 26 : Calvin G. Nelson | | |
| Citizenship: Post Office Address: | United States of America 26190 Birch Bluff Road Shorewood, MN 55331 | Residence: Shorewood, MN | |
| Signature: | | Date: | |
| 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | Calvin G. Nelson | | |
| Full Name of joint inves | ntor number 27: Niranian R. Samant | | |
| Citizenship: | United States of America /NOA | Residence: Middletown, CT | |
| Post Office Address: | 229 Ridgefield Drive Middletown, CT 06547 | | |
| Signature: | Damanh | Date: | |
| | Niranjan R. Samant | Date. | |
| Full Name of joint inver | ntor number 28: Joseph F. Chiappetta | | |
| Citizenship: Post Office Address: | United States of America 6 Ranch Drive Trumbull, CT 06611 | Residence: Trumbull, CT | |
| Signature: | Joseph F. Chiappell | to Date: 1/23/17 | |
| · | - Joseph I. Chiappeus | • | |

| Page 9 of 10 | Pa | te | 9 | of | 10 |
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| Citizenship: Post Office Address: | United States of America 13235 57th Avenue North Plymouth, MN 55442 | Residence: Plymouth, MN | |
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| Signature: | | Date: | |
| | Scott Sarnikowski | | |
| Full Name of inventor: | | | |
| Citizenship: Post Office Address: | | Residence: | |
| | | | |
| Şignature: | | Date: | |
| की विकास कि हम | | | |
| # 97g | | | |
| Full Name of inventor: Citizenship: | | Residence: | |
| Post Office Address: | | | |
| | | | |
| Signature: | | Date: | |
| | | | Miles |
| Full Name of inventor: Citizenship: | | Residence: | |
| Post Office Address: | | Residence: | |
| - 1 | | | |
| Signature: | | Date: | |
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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

Aprima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT</u>.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

l acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, \$119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

liz die

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national por PCT international filing date of this application.

| Application Number | Filing Date | Status |
|--------------------|--------------------|---------|
| 08/311.964 | September 26, 1994 | Allowed |
| 08/457.317 | June 1, 1995 | Pending |
| 08/457,295 | June 1, 1995 | Pending |
| 08/650,408 | May 20, 1996 | Pending |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| Anglin, J. Michael | Reg. No. 24,916 | Embretson, Janet E. | Reg. No. 39,665 | Lempia, Bryan J. | Reg. No. 39,746 |
|---------------------|-----------------|-----------------------------|-----------------|-----------------------|-----------------|
| Bianchi, Timothy E. | Reg. No. 39,610 | Fogg, David N. | Reg. No. 35,138 | Litman, Mark A. | Reg. No. 26,390 |
| Billig, Patrick G. | Reg. No. 38,080 | Forrest, Bradley A. | Reg. No. 30,837 | Lundberg, Steven W. | Reg. No. 30,568 |
| Billion, Richard E. | Reg. No. 32,836 | Holloway, Sheryi S. | Reg. No. 37,850 | Schwegman, Micheal L. | Reg. No. 25,816 |
| Brennan, Thomas F. | Reg. No. 35,075 | Kalinowski, Leonard J. | Reg. No. 24,207 | Slifer, Russell D. | Reg. No. 39,838 |
| Burke, John E. | Reg. No. 35,836 | Klima-Silberg, Catherine I. | Reg. No. 40,052 | Viksnins, Ann S. | Reg. No. 37,748 |
| Clark, Barbara J. | Reg. No. 38,107 | Kluth, Daniel J. | Reg. No. 32,146 | Woessner, Warren D | Reg. No. 30,440 |
| Dovie Michael A | Reg. No. 39 662 | Lemaire Charles A | Reg No. 36 198 | • | • |

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)339-0331

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 1: Mark J. Dapper Residence: Ctacianati, OH United States of America Citizenship: 6558 Baywood Lane Post Office Address: Cincinnati, OH 45224 Date: Signature: Mark J. Dapper Full Name of joint inventor number 2: Michael J. Geile Residence: Loveland, OH **United States of America** Citizenship: 316 Miami Valley Drive Post Office Address: Loveland, OH 45140 Date: Signature: Michael J. Geile Full Name of joint inventor number 3: Terrance J. Hill Residence: Fairfield, OH United States of America Citizenship: 1765 Garrett House Lane Post Office Address: Fairfield, OH 45014 Date: Signature: Terrance J. Hill ħ. Full Name of joint inventor number 4: Harold A. Roberts **United States of America** Residence: Eden Prairie, MN Citizenship: 7017 Beacon Circle Post Office Address: Eden Prairie, MN 55346 1/21/97 Date: Signature: Harold A. Roberts

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

 $[\]underline{X}$ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inventor | number 5: Brian D. Anderson | |
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| Citizenship: | United States of America | Residence: Plymouth, MN |
| Post Office Address: | 11430 - 50th Place North | · |
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| Signature: | ma (Men | Date: |
| | Brian D. Anderson | 7 77 |
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| Full Name of joint inventor | number 6: Jeffrey Brede | |
| Citizenship: | United States of America | Residence: Eden Prairie, MN |
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| | Fren Praipie, MN \$5347 | |
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| Signature: | atha 1 2010 | Date: |
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| Full Name of joint inventor | number 7: Mark S. Wadman | |
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| Signature: | | Date: |
| 부경 역 (| Mark S. Wadman | |
| \$ mark | | |
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| Full Name of joint inventor | number 8: Robert J. Kirscht | ч |
| Citizenship: | United States of America | Residence: Savage, MN |
| Post Office Address: | 13106 Vernon Avenue South | restriction bevere, the |
| | Savage, MN 55378 | |
| O A | | |
| Signature: | est l. Kusalit | Date: $(-z)$ |
| | lobert J. Kirscht | |
| • | Total Control of the | |
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| Full Name of joint inventor Citizenship: Post Office Address: | United States of America 1894 Sunrise Court | Residence: Eagan, MN |
|---|--|----------------------------|
| Signature. | James J. Herrmann | Dete: 1/23/97 |
| Citizenship: Post Office Address: | number 10: Michael J. Fort United States of America 1045 Northview Park Eagan, MN 55123 | Residence: Eagan, MN |
| Signature. | Wichael J. Fort | Date: 1/22/97 |
| * 4* | number 11: Steven P. Buska United States of America 13370 Stanton Drive Minnetonka, MN 55305 | Residence: Minnetonka, MN |
| Signature: | LIBush. Steven P. Buska | Date: 1/22/97 |
| Full Name of joint inventor Citizenship: Post Office Address: | number 12: Jeff Solum United States of America 4900 West 78th Street // Bloomington, MN 55435 | Residence: Bloomington, MN |
| Signature: | Rollm Left Solum | Date: |
| X Additional inventors are | being named on separately numbered shee | ts, attached hereto. |

Full Name of joint inventor number 13: Debra Lea Enfield

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Citizenship: Post Office Address: | United States of America 464 Ridge Court Chaska, MN 55318 | Residence: Chaska, MN | |
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| Signature: | | Date: | |
| | Debra Lea Enfield | | |
| Full Name of joint inven | tor number 14: Darrell Berg | | |
| Citizenship: Post Office Address: | United States of America 4900 West 78th Street | Residence: Bloomington, MN | |
| Signature: | Bloomington, MN 55435 | Date: 1/12/97 | |
| Signature: | Darrell Berg | . 7 7 7 | |
| ### Pull Name of joint inven | tor number 15: Thomas Smigelski | | |
| Citizenship: | United States of America | Residence: Lake Zurich, IL | |
| Post Office Address: | 230 Waterford Drive Lake Zurich, IL 60047 | | |
| Signature: | | Date: | |
| | Thomas Smigelski | | |
| | tor number 16: Thomas C. Tucker | | |
| Citizenship: Post Office Address: | United States of America 205 Silver Creek Trail | Residence: Chapel Hill, NC | • |
| TON OTHER AGGICSS. | Chapel Hill, NC 27514 | | |
| Signature: | | Date: | |
| | Thomas C. Tucker | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inventor Citizenship: Post Office Address: | number 17: Joe Hall United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN |
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| Signature: | oe Hall | Dete: |
| Full Name of joint inventor Citizenship: Post Office Address: | number 18: John M. Logajan United States of America 4248 Hamline Avenue | Residence: Arden Hills, MN |
| Signature: | Arden Hills, MN 55112 Ohn M. Logajan | Dete: 1/21/97 |
| Full Name of joint inventor : Citizenship: Post Office Address: | number 19: <u>Somvay Boualouang</u> United States of America 4900 West 78th Street | Residence: Bloomington, MN |
| Signature: | Bloomington, MN 55435 Somvey Cornelina Somvey Boualouring | Date: 1/21/97 |
| Full Name of joint inventor: Citizenship: Post Office Address: | number 20: Heng Lou United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN |
| Signature: | leng fou | Date: 1/22/97 |
| | | |

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 21: Mark D. Elpers United States of America Citizenship: Residence: Elk River, MN Post Office Address: 16303 205th Avenue NW Elk River, MN 55330 Signature: Date: Mark D. Elpers Full Name of joint inventor number 22: Matt Downs Residence: Bloomington, MN Citizenship: **United States of America** Post Office Address: 4900 West 78th Street Bloomington, MN 55435 Signature: Date: Matt Downs r. i, Full Name of joint inventor number 23: Tammy Ferris Citizenship: **United States of America** Residence: Bloomington, MN Post-Office Address: 4900 West 78th Street Bloomington, MN 55435 ļ, Signature: Date: Tammy Ferris Full Name of joint inventor number 24: Adam Opoczynski Citizenship: United States of America Residence: Plano, TX Post Office Address: 3705 Roxbury Lane Plano, TX 75025

Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

X Additional inventors are being named on separately numbered sheets, attached hereto.

Adam Opoczynski

Signature:

| Our I | Ref. | 500 | .623 | USI | |
|-------|------|-------|------------|------|------|
| Seria | i No | . 08 | 673 | ,002 | ? |
| Filin | g De | te: J | une | 28, | 1996 |

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| Full Name of joint inventor num Citizenship: Post Office Address: | United States of America 5145 Luverne Avenue | Residence: Minneapolis, MN | |
|---|--|----------------------------|------|
| Signature: Davi | Minneapolis, MN 55419 MULL d S. Russell | Dette: January 22, | 1997 |
| Full Name of joint inventor num Citizenship: Post Office Address: | uber 26: <u>Calvin G. Nelson</u> United States of America 26190 Birch Bluff Road Shorewood, MN 55331 | Residence: Shorewood, MN | |
| Signature: | | Date: | |
| Calv | in G. Nelson | | |
| ₹ | ober 27: Niranian R. Samant United States of America 229 Ridgefield Drive Middletown, CT 06547 | Residence: Middletown, CT | |
| Signature: | | Date: | |
| i i i i i i i i i i i i i i i i i i i | njan R. Samant | | |
| Tall Name of igint inventor num | nber 28: Joseph F. Chiappetta | | |
| Citizenship: Post Office Address: | United States of America 6 Ranch Drive Trumbull, CT 06611 | Residence: Trumbull, CT | |
| Signature: | | Date: | |
| | ph F. Chiappetta | | |

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| Full Name of joint invention Citizenship: Post Office Address: | tor number 29: Scott Sarnikowski United States of America 13235 57th Avenue North Plymouth, MN 55442 | Residence: Plymouth, MN | |
|--|--|-------------------------|---|
| Signature: | Scott Sarnikowski | Date: | |
| Full Name of inventor: | | Residence: | - |
| Post Office Address: | | | |
| Signature: | | Dete: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | - |
| Signature: | | Date: | |

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§ 1.56 Duty to disclose information material to patentability.

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

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| 08/311,964 | September 26, 1994 | Allowed |
| 08/457,317 | June 1, 1995 | Pending |
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| Dryja, Michael A. | Reg. No. 39,662 | Lemaire, Charles A. | Reg. No. 32,146 Reg. No. 36 102 | woessner, warren D. | Reg. No. 30,440 |

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P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)339-0331

Signature:

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Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

Harold A. Roberts

X Additional inventors are being named on separately numbered sheets, attached hereto.

| Our F | tef. Si | 00.623 | US | 1 |
|--------|---------|--------|-----|------|
| Serial | No. | 08/673 | ,00 | 2 |
| Filing | Date | June | 28, | 1996 |

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| Full Name of joint inver Citizenship: Post Office Address: | United States of America 11430 - 50th Place North Plymouth, MN 55442 | Residence: Plymouth, MN | |
|--|--|-----------------------------|--|
| Signature: | Brian D. Anderson | Date: | |
| Full Name of joint inver Citizenship: Post Office Address: | ntor number 6: <u>Jeffrey Brede</u> United States of America 8073 Curtis Lane Eden Prairie, MN 55347 | Residence: Eden Prairie, MN | |
| Signature: | Jeffrey Brede | Date: | |
| Fall Name of joint inver Citizenship: Post Office Address: | tor number 7: <u>Mark S. Wadman</u> United States of America 8956 Braxton Drive Eden Prairie, MN 55347 | Residence: Eden Prairie, MN | |
| Šignature: | Mark S. Wadman | Date: | |
| Full Name of joint inver Citizenship: Post Office Address: | tor number 8: Robert J. Kirscht United States of America 13106 Vernon Avenue South Savage, MN 55378 | Residence: Savage, MN | |
| Signature: | Robert J. Kirscht | Date: | |
| Y Additional instanton | tra haing person on appearable questions of the | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inventor Citizenship: Post Office Address: | number 9: James J. Herrmann United States of America 1894 Sunrise Court Eagan, MN 55122 | Residence: Eagan, MN | |
|---|--|----------------------------|--|
| Signature: | James J. Herrmann | Dete: | |
| Citizenship: Post Office Address: | number 10: <u>Michael J. Fort</u> United States of America 1045 Northview Park Eagan, MN 55123 | Residence: Eagan, MN | |
| Signature: | | Date: | |
| Signature: | Michael J. Fort | | |
| Full Name of joint inventor Citizenship: Post Office Address: | United States of America 13370 Stanton Drive Minnetonka, MN 55305 | Residence: Minnetonka, MN | |
| Signature: | | Date: | |
| | Steven P. Buska | | |
| | r number 12: Jeff Solum | Decidence Disaminaton MN | |
| Citizenship: Post Office Address: | United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
| Signature: | | Date: | |
| | Jeff Solum | | |
| X Additional inventors are | being named on separately numbered sho | ets, attached hereto. | |

Page 5 of 10

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| Full Name of joint inventor Citizenship: Post Office Address: | number 13: <u>Debra Lea Enfield</u> United States of America 464 Ridge Court Cheska, MN 55318 | Residence: Chaska, MN | |
|---|---|----------------------------|-------------|
| Signature: | Ochra Lea Enfield | Date: | |
| Full Name of joint inventor Citizenship: Post Office Address: | number 14: <u>Darrell Barg</u> United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
| Signature: | Darrell Borg | Date: | |
| Full Name of joint inventor of Citizenship: Post Office Address: | number 15: Thomas Smigelski United States of America 230 Waterford Drive 1-ake Zurich, IL 60047 | Residence: Lake Zurich, IL | |
| ignature: T | homas Smigelski number 16: Thomas C. Tucker | Date: 1/29/96 | |
| Citizenship: Post Office Address: | United States of America 205 Silver Crock Trail Chapel Hill, NC 27514 | Residence: Chapel Hill, NC | |
| ignature: | homas C. Tucker | Date: | |

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| Full Name of joint inve | entor number 17: Joe Hall | | |
|---|---|----------------------------|-------------|
| Citizenship: | United States of America | Residence: Bloomington, MN | |
| Post Office Address: | 4900 West 78th Street | | |
| . • • • • • • • • • • • • • • • • • • • | Bloomington, MN 55435 | | |
| | • | | |
| Signature: | | Date: | |
| | Joe Hali | | |
| Full Name of joint inve | ntor number 18: John M. Lorgian | | |
| Citizenship: | United States of America | Residence: Arden Hills, MN | |
| Post Office Address: | 4248 Hamline Avenue | | |
| 2 | Arden Hills, MN 55112 | | |
| gille stille Market | , | | |
| Signature: | | Date: | |
| | John M. Logajan | | |
| with a pro- miner with a pro- miner with a pro- gram of the pro- cess of the pro- person of the pro- tes of the pro- t | • • | | |
| | | | |
| Full Name of joint inve | ntor number 19: Somyay Boualouang | | |
| Citizenship: | United States of America | Residence: Bloomington, MN | |
| Post Office Address: | 4900 West 78th Street | • | |
| | Bloomington, MN 55435 | | |
| बू बुक्त करें | | | |
| Signature: | | Date: | |
| | Somvay Boualouang | | |
| 2000 TOO 2000 TOO 2000 TOO | | | |
| 100 | | | |
| | ntor number 20: Heng Lou | | |
| Citizenship: | United States of America | Residence: Bloomington, MN | |
| Post Office Address: | 4900 West 78th Street | | |
| | Bloomington, MN 55435 | | |
| Signature: | | Date: | _ |
| • | Heng Lou | | |
| | _ | | |
| | | | - |

Signature:

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 21: Mark D. Elpers **United States of America** Citizenship: Residence: Elk River, MN Post Office Address: 16303 205th Avenue NW Elk River, MN 55330 Signature: Date: Mark D. Elpers Full Name of joint inventor number 22: Matt Downs Citizenship: United States of America Residence: Bloomington, MN Post Office Address: 4900 West 78th Street Bloomington, MN 55435 Fin. Signature: Date: Matt Downs la. Full Name of joint inventor number 23: Tammy Ferris Citizenship: United States of America Residence: Bloomington, MN Post Office Address: 4900 West 78th Street Bloomington, MN 55435 ğ=#; Signature: Date: Tammy Ferris F.J Full Name of joint inventor number 24: Adam Opoczynski United States of America Citizenshio: Residence: Plano, TX Post Office Address: 3705 Roxbury Lane Plano, TX 75025

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inve Citizenship: Post Office Address: | ntor number 25: <u>David S. Russell</u> United States of America 5145 Luverne Avenue Minneapolis, MN 55419 | Residence: Minneapolis, MN | |
|--|---|----------------------------|---|
| Signature: | David S. Russell | Date: | |
| Citizenship: Post Office Address: | ntor number 26: <u>Calvin G. Nelson</u> United States of America 26190 Birch Bluff Road Shorewood, MN'55331 | Residence: Shorewood, MN | - |
| Signature: | Calvin G. Nelson | Date: | _ |
| Full Name of joint inver Citizenship: Post Office Address: | ntor number 27: Niranjan R. Samant United States of America 229 Ridgefield Drive Middletown, CT 06547 | Residence: Middletown, CT | |
| Signature: | Niranjan R. Samant | Date: | |
| | ntor number 28: Joseph F. Chiappetta United States of America 6 Ranch Drive Trumbull, CT 06611 | Residence: Trumbull, CT | |
| Signature: | Joseph F. Chiappetta | Date: | |
| | | | - |

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| Full Name of joint inventitizenship: Post Office Address: | tor number 29: Scott Sarnikowski United States of America 13235 57th Avenue North Plymouth, MN 55442 | Residence: Plymouth, MN | |
|--|--|-------------------------|--|
| Signature: | Scott Samikowski | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |

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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

| (1) | prior art cited in search re | ports of a foreign patent | office in a counterp | art application, and |
|-----|------------------------------|---------------------------|----------------------|----------------------|
|-----|------------------------------|---------------------------|----------------------|----------------------|

- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLU'1H, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT</u>.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, \$119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| Application Number | Filing Date | <u>Status</u> |
|--------------------|--------------------|---------------|
| 08/311,964 | September 26, 1994 | Allowed |
| 08/457,317 | June 1, 1995 | Pending |
| 08/457,295 | June 1, 1995 | Pending |
| 08/650,408 | May 20, 1996 | Pending |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| Anglin, J. Michael | Reg. No. 24,916 | Embretson, Janet E. | Reg. No 39,665 | Lempia, Bryan J. | Reg. No. 39,746 |
|---------------------|-----------------|-----------------------------|-----------------|-----------------------|-----------------|
| Bianchi, Timothy E. | Reg. No. 39,610 | Fogg, David N. | Reg. No. 35,138 | Litman, Mark A. | Reg. No. 26,390 |
| Billig, Patrick G. | Reg. No. 38,080 | Forrest, Bradley A. | Reg. No. 30,837 | Lundberg, Steven W | Reg. No. 30,568 |
| Billion, Richard E. | Reg. No. 32,836 | Holloway, Sheryl S | Reg. No. 37,850 | Schwegman, Micheal L. | Reg. No. 25,816 |
| Brennan, Thomas F. | Reg. No. 35,075 | Kalinowski, Leonard J | Reg. No. 24,207 | Slifer, Russell D. | Reg No. 39,838 |
| Burke, John E. | Reg. No. 35,836 | Klima-Silberg, Catherine I. | Reg. No. 40,052 | Viksnins, Ann S. | Reg. No. 37,748 |
| Clark, Barbara J. | Reg. No. 38,107 | Kluth, Daniel J | Reg. No. 32,146 | Woessner, Warren D. | Reg. No. 30,440 |
| Drvia Michael A | Reg. No. 39,662 | Lemaire, Charles A. | Reg. No. 36,198 | | - ' |

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)339-0331

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 1: - Mark J. Dapper United States of America Citizenship: Residence: Cincinnati, OH 6558 Baywood Lane Post Office Address: Cincinnati, OH 45224 Signature: Date: Mark J. Dapper Full Name of joint inventor number 2: Michael J. Geile Citizenship: **United States of America** Residence: Loveland, OH Post Office Address: 316 Miami Valley Drive Loveland, OH 45140 Signature: Date: Michael J. Geile #100 L Full Name of joint inventor number 3: Terrance J. Hill **United States of America** Citizenship: Residence: Fairfield, OH Post Office Address: 1765 Garrett House Lane Fairfield, OH 45014 Signature: Date: i i Terrance J. Hill į.

Residence: Eden Prairie, MN

Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

X Additional inventors are being named on separately numbered sheets, attached hereto.

Harold A. Roberts

Harold A. Roberts

United States of America

7017 Beacon Circle Eden Prairie, MN 55346

Full Name of joint inventor number 4:

Citizenship:

Signature:

Post Office Address:

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| Full Name of joint invent Citizenship: Post Office Address: | or number 5: Brian D. Anderson United States of America 11430 - 50th Place North Plymouth, MN 55442 | Residence: Plymouth, MN | |
|---|---|-----------------------------|-------------|
| Signature: | Brian D. Anderson | Date: | |
| Full Name of joint invent Citizenship: Post Office Address: | or number 6: <u>Jeffrey Brede</u> United States of America 8073 Curtis Lane Eden Prairie, MN 55347 | Residence: Eden Prairie, MN | - |
| Signature: | Jeffrey Brede | Date: | |
| Full Name of joint invent Citizenship: Post Office Address: | | Residence: Eden Prairie, MN | _ |
| Signature: | Mark S. Wadman | Date: | |
| Full Name of joint invent Citizenship: Post Office Address: | | Residence: Savage, MN | - |
| Signature: | | Date: | |
| | Robert J. Kirscht | | |
| | | | _ |

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| Fuli Name of joint invento Citizenship: Post Office Address: | or number 9: James J. Herrmann United States of America 1894 Sunrise Court Eagan, MN 55122 | Residence: Eagan, MN | |
|--|---|----------------------------|---|
| Signature: | James J. Herrmann | Date: | |
| | | | - |
| Full Name of joint inventor Citizenship: Post Office Address: | or number 10: <u>Michael J. Fort</u> United States of America 1045 Northview Park Eagan, MN 55123 | Residence: Eagan, MN | |
| 3 3 | | Date: | |
| Signature: | Michael J. Fort | | _ |
| | or number 11: Steven P. Buska | | |
| Citizenship: | United States of America 13370 Stanton Drive | Residence: Minnetonka, MN | |
| Post Office Address: | Minnetonka, MN 55305 | | |
| The state of the s | | Date: | |
| Signature: | Steven P. Buska | | |
| #M2 !! | or number 12: <u>Jeff Solum</u> | | |
| Citizenship: | United States of America | Residence: Bloomington, MN | |
| Post Office Address: | 4900 West 78th Street Bloomington, MN 55435 | | |
| Signature: | | Date: | |
| | Jeff Solum | | |
| | | | _ |

Post Office Address:

Signature:

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Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

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Thomas C. Tucker

205 Silver Creek Trail

Chapel Hill, NC 27514

Signature:

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Date:

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| Full Name of joint inve | ntor number 21 : Mark D. Elpers | | |
|---|--|-------------------------------|--|
| Citizenship: | United States of America | Residence: Elk River, MN | |
| Post Office Address: | 16303 205th Avenue NW | | |
| | Elk River, MN 55330 | | |
| | | _ | |
| Signature: | | Date: | |
| | Mark D. Elpers | | |
| Full Name of joint inve | ntor number 22: Matt Downs | | |
| Citizenship: | United States of America | Residence: Bloomington, MN | |
| Post Office Address: | 4900 West 78th Street | | |
| 20 - 2 ² -2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2 | Bloomington, MN 55435 | | |
| | | Date | |
| Signature: | | Date: | |
| gino Till Alle Till Alle Till Alle Till Alle | Matt Downs | | |
| | | | |
| 100 miles 1 mi | Tomas Formio | | |
| | ntor number 23: <u>Tammy Ferris</u> United States of America | Residence: Bloomington, MN | |
| Citizenship: | 4900 West 78th Street | Residence. Diodinington, 1711 | |
| Post Office Address: | Bloomington, MN 55435 | | |
| A CONTRACTOR OF THE CONTRACTOR | Bioonnington, Mix 35433 | | |
| Signature: | | Date: | |
| | Tammy Ferris | | |
| TO THE PROPERTY OF THE PROPERT | • | | |
| 182 TIL | | | |
| Full Name of joint inve | ntor number 24: Adam Opoczynski | | |
| Citizenship: | United States of America | Residence: Plano, TX | |
| Post Office Address: | 3705 Roxbury Lane | | |
| | Plano, TX 75025 | | |
| Signature: | | Date: | ······································ |
| | Adam Opoczynski | | |
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Joseph F. Chiappetta

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| Citizenship. Post Office Address: | United States of America 13235 57th Avenue North Plymouth, MN 55442 | Residence: Plymouth, MN | |
|--|---|-------------------------|--|
| Signature: | Scott Samikowski | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: Date: | |
| Here was a second of the secon | | | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |

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- Maria Arrah mirra the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
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 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
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 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - Asserting an argument of patentability. (ii)

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 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, (d) agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| Application Number | Filing Date | <u>Status</u> |
|--------------------|--------------------|---------------|
| 08/311.964 | September 26, 1994 | Allowed |
| 08/457,317 | June 1, 1995 | Pending |
| 08/457,295 | June 1, 1995 | Pending |
| 08/650,408 | May 20, 1996 | Pending |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint invent Citizenship: Post Office Address: | tor number 1: - Mark J. Dapper United States of America 6558 Baywood Lane Cincinnati, OH 45224 | Residence: Cincinnati, OH | |
|---|--|-----------------------------|---|
| Signature: | Mark J. Dapper | Date: | |
| | Walk J. Dupper | | _ |
| Full Name of joint inventional Citizenship: Post Office Address: | tor number 2: <u>Michael J. Geile</u> United States of America 316 Miami Valley Drive Loveland, OH 45140 | Residence: Loveland, OH | |
| Signature: | | Date: | |
| Con II I I I I I I I I I I I I I I I I I | Michael J. Geile | | - |
| Full Name of joint inven Citizenship: Post Office Address: | tor number 3: Terrance J. Hill United States of America 1765 Garrett House Lane Fairfield, OH 45014 | Residence: Fairfield, OH | |
| Signature: | | Date: | |
| | Terrance J. Hill | | _ |
| Full Name of joint inven | tor number 4: Harold A. Roberts | | |
| Cifizenship: Post Office Address: | United States of America 7017 Beacon Circle Eden Prairie, MN 55346 | Residence: Eden Prairie, MN | |
| Signature: | | Date: | |
| | Harold A. Roberts | | _ |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inve Citizenship: Post Office Address: | ntor number 5: - Brian D. Anderson United States of America 11430 - 50th Place North Plymouth, MN 55442 | Residence: Plymouth, MN | |
|--|---|------------------------------------|--|
| Signature: | Brian D. Anderson | Date: | |
| Full Name of joint inve Citizenship: Post Office Address: | ntor number 6: <u>Jeffrey Brede</u> United States of America 8073 Curtis Lane Eden Prairie, MN 55347 | Residence: Eden Prairie, MN | |
| Signature: | Jeffrey Brede | Date: | |
| Full Name of joint inve Citizenship: Post Office Address: | entor number 7: Mark S. Wadman United States of America 8956 Braxton Drive Eden Prairie, MN 55347 | Residence: Eden Prairie, MN Date: | |
| The state of the s | Mark S. Wadman | | |
| Full Name of joint invectitizenship: Post Office Address: | entor number 8: Robert J. Kirscht United States of America 13106 Vernon Avenue South Savage, MN 55378 | Residence: Savage, MN | |
| Signature: | Robert J. Kirscht | Date: | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint inven Citizenship: Post Office Address: | tor number 9: James J. Herrmann United States of America 1894 Sunrise Court Eagan, MN 55122 | Residence: Eagan, MN | |
|--|---|----------------------------|----------|
| Signature: | James J. Herrmann | Date: | |
| Full Name of joint inven Citizenship: Post Office Address: | tor number 10: <u>Michael J. Fort</u> United States of America 1045 Northview Park Eagan, MN 55123 | Residence: Eagan, MN | _ |
| Signature: | | Date: | |
| | Michael J. Fort tor number 11: Steven P. Buska United States of America 13370 Stanton Drive Minnetonka, MN 55305 | Residence: Minnetonka, MN | - |
| Signature: | Steven P. Buska | Date: | |
| Fall Name of joint inven Citizenship: Post Office Address: | tor number 12: <u>Jeff Solum</u> United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | - |
| Signature: | | Date: | |
| Signature. | Jeff Solum | | |
| X Additional inventors a | are being named on separately numbered she | ets, attached hereto. | _ |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint invent Citizenship: Post Office Address: | or number 13: Debra Lea Enfield United States of America 464 Ridge Court Chaska, MN 55318 | Residence: Chaska, MN | |
|---|---|-----------------------------------|--|
| Signature: | Debra Lea Enfield | Date: | |
| Full Name of joint invent Citizenship: Post Office Address: | United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
| Signature: | Darrell Berg | Date: | |
| Full Name of joint invent Citizenship: Post Office Address: | tor number 15: Thomas Smigelski United States of America 230 Waterford Drive Lake Zurich, IL 60047 | Residence: Lake Zurich, IL Date: | |
| | Thomas Smigelski | | |
| | tor number 16: Thomas C. Tucker United States of America 205 Silver Creek Trail Chapel Hill, NC 27514 | Residence: Chapel Hill, NC | |
| Signature: | | Date: | |
| | Thomas C. Tucker | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full Name of joint invent Citizenship: Post Office Address: | tor number 17: Joe Hall United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
|--|---|-------------------------------|---------------------------------------|
| Signature: | Joe Hali | Date: | · · · · · · · · · · · · · · · · · · · |
| | JOE Hall | | _ |
| Citizenship: Post Office Address: | tor number 18: John M. Logajan United States of America 4248 Hamline Avenue Arden Hills, MN 55112 | Residence: Arden Hills, MN | |
| Signature: | | Date: | |
| The control of the co | John M. Logajan | | - |
| 7. | tor number 19: <u>Somvay Boualouang</u> United States of America | Residence: Bloomington, MN | |
| Cifizenship: Post Office Address: | 4900 West 78th Street | Residence. Disounington, 1717 | |
| TO COMMENT OF THE COM | Bloomington, MN 55435 | Posts | |
| Signature: | Somvay Boualouang | Date: | |
| # 1 | | | - |
| | tor number 20: Heng Lou | | |
| Citizenship: | United States of America | Residence: Bloomington, MN | |
| Post Office Address: | 4900 West 78th Street Bloomington, MN 55435 | | |
| Signature: | | Date: | |
| | Heng Lou | | |
| | | | - |

Signature:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 21: Mark D. Elpers Residence: Elk River, MN United States of America Citizenship: 16303 205th Avenue NW Post Office Address: Elk River, MN 55330 Date: Signature: Mark D. Elpers Full Name of joint inventor number 22: Matt Downs Residence: Bloomington, MN United States of America Citizenship: 4900 West 78th Street Post Office Address: Bloomington, MN 55435 hå Date: Signature: Matt Downs Full Name of joint inventor number 23: Tammy Ferris Residence: Bloomington, MN Citizenship: **United States of America** 4900 West 78th Street Post Office Address: Bloomington, MN 55435 Date: Signature: Tammy Ferris į. **j**aš Full Name of joint inventor number 24: Adam Opoczynski United States of America Residence: Plano, TX Citizenship: 3705 Roxbury Lane Post Office Address: Plano, TX 75025

Date:

X Additional inventors are being named on separately numbered sheets, attached hereto.

Adam Opoczynski

> . .

Citizenship: Post Office Address:

Signature:

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 25: - David S. Russell United States of America Residence: Minneapolis, MN Citizenship: 5145 Luverne Avenue Post Office Address: Minneapolis, MN 55419 Date: Signature: David S. Russell Full Name of joint inventor number 26: Calvin G. Nelson United States of America Residence: Shorewood, MN Citizenship: 26190 Birch Bluff Road Post Office Address: Shorewood, MN 55331 Date: Signature: Calvin G. Nelson 4= L Full Name of joint inventor number 27: Niranjan R. Samant Residence: Middletown, CT **United States of America** Citizenship: Post Office Address: 229 Ridgefield Drive Middletown, CT 06547 Date: Signature: Niranjan R. Samant . In de

Residence: Trumbull, CT

Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

X Additional inventors are being named on separately numbered sheets, attached hereto.

United States of America

6 Ranch Drive Trumbull, CT 06611

Joseph F. Chiappetta

Full Name of joint inventor number 28: Joseph F. Chiappetta

Signature:

| | e or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and the validity of the application or any patent issued thereon. | hat such willful false |
|--|--|------------------------|
| Citizenship: Post Office Address: | number 29: Scott Sarnikowski United States of America +3235 57th Avenue North Phymouth, MN 55442 SAN JOSE, CA 95138 WILL Date: 5/22/97 | SE, CA XX |
| Signature: | Scott Sarnikowski | |
| Full Name of inventor: Citizenship: Post Office Address: | Residence: | |
| Signature: | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | Residence: | |
| Signature: | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | Residence: | |

Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT**.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, \$119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed

F

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national on PCT international filing date of this application.

| Application Number | Filing Date | Status |
|--------------------|--------------------|---------|
| 08/311,964 | September 26, 1994 | Allowed |
| 08/457,317 | June 1, 1995 | Pending |
| 08/457,295 | June 1, 1995 | Pending |
| 08/650,408 | May 20, 1996 | Pending |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| Anglin, J. Michael | Reg. No. 24,916 | Embretson, Janet E. | Reg. No. 39,665 | Lempia, Bryan J. | Reg. No. 39,746 |
|---------------------|-----------------|-----------------------------|-----------------|-----------------------|------------------|
| Bianchi, Timothy E. | Reg. No. 39,610 | Fogg, David N. | Reg. No 35,138 | Litman, Mark A | Reg. No. 26,390 |
| Billig, Patrick G. | Reg. No. 38,080 | Forrest, Bradley A. | Reg. No. 30,837 | Lundberg, Steven W. | Reg. No. 30,568 |
| Billion, Richard E. | Reg. No. 32,836 | Holloway, Sheryl S. | Reg. No. 37,850 | Schwegman, Micheal L. | Reg. No. 25,816 |
| Brennan, Thomas F. | Reg. No. 35,075 | Kalinowski, Leonard J. | Reg. No. 24,207 | Slifer, Russell D. | Reg. No. 39,838 |
| Burke, John E. | Reg. No. 35,836 | Klima-Silberg, Catherine I. | Reg. No. 40,052 | Viksnins, Ann S. | Reg. No. 37,748 |
| Clark, Barbara J. | Reg. No. 38,107 | Kluth, Daniel J. | Reg. No. 32,146 | Woessner, Warren D. | Reg. No. 30,440 |
| Drvia Michael A | Reg. No. 39,662 | Lemaire Charles A | Reg No 36 198 | weessier, water b. | Reg. 140. 30,440 |

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

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Telephone No. (612)339-0331

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| Full Name of joint invento Citizenship: Post Office Address: | or number 1: • Mark J. Dapper United States of America 6558 Baywood Lane Cincinnati, OH 45224 | Residence: Cincinnati, OH | |
|--|--|-----------------------------|--|
| Signature: | Mark J. Dapper | Date: | |
| | | | |
| Full Name of joint inventor Citizenship: Post Office Address: | or number 2: Michael J. Geile United States of America 316 Miami Valley Drive Loveland, OH 45140 | Residence: Loveland, OH | |
| Signature: | | Date: | |
| The state of the s | Michael J. Geile | | |
| Full Name of joint invento | | | |
| Citizenship: Post Office Address: | United States of America 1765 Garrett House Lane Fairfield, OH 45014 | Residence: Fairfield, OH | |
| Signature: | | Date: | |
| | Terrance J. Hill | | |
| Full Name of joint invento | or number 4: Harold A. Roberts | | |
| Citizenship: Post Office Address: | United States of America 7017 Beacon Circle Eden Prairie, MN 55346 | Residence: Eden Prairie, MN | |
| Signature: | | Date: | |
| | Harold A. Roberts | | |

 $[\]underline{X}$ Additional inventors are being named on separately numbered sheets, attached hereto.

Signature:

belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 5: Brian D. Anderson United States of America Residence: Plymouth, MN Citizenship: 11430 - 50th Place North Post Office Address: Plymouth, MN 55442 Date: Signature: Brian D. Anderson Full Name of joint inventor number 6: Jeffrey Brede **United States of America** Residence: Eden Prairie, MN Citizenship: 8073 Curtis Lane Post Office Address: Eden Prairie, MN 55347 ļ.L Date: Signature: Jeffrey Brede dist Full Name of joint inventor number 7: Mark S. Wadman United States of America Residence: Eden Prairie, MN Citizenship: 8956 Braxton Drive Post Office Address: Eden Prairie, MN 55347 Date: Signature: Mark S. Wadman Į, . Jane Full Name of joint inventor number 8: Robert J. Kirscht Residence: Savage, MN **United States of America** Citizenship: 13106 Vernon Avenue South Post Office Address: Savage, MN 55378 Date:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

X Additional inventors are being named on separately numbered sheets, attached hereto.

Robert J. Kirscht

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| Full Name of joint invent Citizenship: Post Office Address: | or number 9: James J. Herrmann United States of America 1894 Sunrise Court Eagan, MN 55122 | Residence: Eagan, MN | |
|---|--|----------------------------|---|
| Signature: | James J. Herrmann | Date: | |
| Citizenship: Post Office Address: | or number 10: Michael J. Fort United States of America 1045 Northview Park Eagan, MN 55123 | Residence: Eagan, MN | • |
| Signature: | Michael J. Fort | Date: | - |
| 10- mi | or number 11: Steven P. Buska United States of America 13370 Stanton Drive Minnetonka, MN 55305 | Residence: Minnetonka, MN | |
| Signature: | Steven P. Buska | Date: | _ |
| | or number 12: <u>Jeff Solum</u> United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
| Signature: | Jeff Solum | Date: | - |

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| Full Name of joint inver Citizenship: Post Office Address: | utor number 13: Debra Lea Enfield United States of America 464 Ridge Court | Residence: Chaska, MN | |
|--|--|-----------------------------------|--|
| Signature: | Chaska, MN 55318 Debra Lea Enfield Debra Lea Enfield | Date: 5 May 1997 | |
| Full Name of joint inver Citizenship: Post Office Address: | United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
| Signature: | Darrell Berg | Date: | |
| Full Name of joint invertible. Citizenship: Post Office Address: Signature: | United States of America 230 Waterford Drive Lake Zurich, IL 60047 | Residence: Lake Zurich, IL Date: | |
| = | Thomas Smigelski | | |
| Full Name of joint invertigations of the control of | united States of America 205 Silver Creek Trail Chapel Hill, NC 27514 | Residence: Chapel Hill, NC | |
| Signature: | Thomas C. Tucker | Date: | |
| | | | |

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| Full Name of joint inventor Citizenship: Post Office Address: | United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
|---|---|----------------------------|--|
| Signature: | Joe Hall | Date: | |
| Full Name of joint inventor Citizenship: Post Office Address: | number 18: John M. Logajan United States of America 4248 Hamline Avenue Arden Hills, MN 55112 | Residence: Arden Hills, MN | |
| Signature: | John M. Logajan | Date: | |
| Full Name of joint inventor Citizenship: Post Office Address: | number 19: Somvay Boualouang United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
| Signature: | Somvay Boualouang | Date: | ······································ |
| Full Name of joint inventor Citizenship: Post Office Address: | number 20: Heng Lou United States of America 4900 West 78th Street Bloomington, MN 55435 | Residence: Bloomington, MN | |
| Signature: | | Date: | |
| | Heng Lou | | |

Signature:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 21: Mark D. Elpers Citizenship: **United States of America** Residence: Elk River, MN Post Office Address: 16303 205th Avenue NW Elk River, MN 55330 Signature: Mark D. Elpers Full Name of joint inventor number 22: Matt Downs Residence: Bloomington, MN Citizenship: United States of America Post Office Address: 4900 West 78th Street ļ. Bloomington, MN 55435 Signature: Date: Matt Downs Full Name of joint inventor number 23: Tammy Ferris **United States of America** Citizenship: Residence: Bloomington, MN Post Office Address: 4900 West 78th Street # Bloomington, MN 55435 Signature: Date: Tammy Ferris Full Name of joint inventor number 24: Adam Opoczynski United States of America Residence: Plano, TX Citizenship: Post Office Address: 3705 Roxbury Lane Plano, TX 75025

Date:

X Additional inventors are being named on separately numbered sheets, attached hereto.

Adam Opoczynski

| made are punishable by | true; and further that these statements were mediane or imprisonment, or both, under Section ize the validity of the application or any patent | 1001 of Title 18 of the United States Code an | ements and the like so d that such willful false |
|--|--|---|---|
| Full Name of joint inver Citizenship: Post Office Address: | ntor number 25: David S. Russell United States of America 5145 Luverne Avenue Minneapolis, MN 55419 | Residence: Minneapolis, MN | |
| Signature: | David S. Russell | Date: | |
| Full Name of joint inver Citizenship: Post Office Address: | ntor number 26: <u>Calvin G. Nelson</u> United States of America 26190 Birch Bluff Road Shorewood, MN 55331 | Residence: Shorewood, MN Date: | • |
| | Calvin G. Nelson | | • |
| Full Name of joint inver Citizenship: Post Office Address: | ntor number 27: Niranjan R. Samant United States of America 229 Ridgefield Drive Middletown, CT 06547 | Residence: Middletown, CT | |
| Signature: | Niranjan R. Samant | Date: | |
| ू कुर्व कु | ontor number 28: <u>Joseph F. Chiappetta</u> United States of America 6 Ranch Drive Trumbull, CT 06611 | Residence: Trumbull, CT | - |
| Signature: | Joseph F. Chiappetta | Date: | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Citizenship: Post Office Address: | Or number 29: Scott Sarnikowski United States of America 13235 57th Avenue North Plymouth, MN 55442 | Residence: Plymouth, MN | |
|--|---|-------------------------|--|
| Signature: | Scott Sarnikowski | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |
| Full Name of inventor: Citizenship: Post Office Address: | | Residence: | |
| Signature: | | Date: | |

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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.